

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Bail Appl..No. 7428 of 2007()

CMP.6030/2007 of J.M.F.C.,MAVELIKKARA
CRIME 408/07 OF MAVELIKKARA POLICE STATION
.....

: PETITIONER/ACCUSED

RAJESH, S/O. SHARGADHARAN,
KOTTASSARI VEETIL, VADAKKEMANKUZHI BHAGAM,
THEKKEKKARA VILLAGE.

BY ADV. SRI.C.SUNIL KUMAR

RESPONDENTS: COMPLAINANT

1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE,
MAVELIKKARA POLICE STATION, MAVELIKKARA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/12/2007,
ALONG WITH BA NO. 7435 OF 2007 BA NO. 7441 OF 2007 THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

.....
B.A. Nos. 7428, 7435 and 7441 OF 2007
.....

Dated this the 10th day of December, 2007

O R D E R

These applications are for regular bail. The common petitioner in these crimes faces allegations in crimes registered for offences punishable, inter alia, under Sections 379 and 411 IPC. Along with the co-accused, he is alleged to have been party to commission of offences of theft in respect of motor vehicles. Three crimes 408, 415 and 420 of 2007 of Mavelikara Police Station in respect of a theft of motor vehicles have been registered against the petitioner. The petitioner was arrested on 17.9.07 under suspicious circumstances and his arrest has been recorded in all the three crimes. In two crimes, final report has already been filed. In the 3rd crime, investigation is not yet complete. The petitioner has remained in custody from 17.9.2007.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He runs a workshop. Merely because in connection with such business people had entrusted vehicles to him, it would be improper to infer that he has culpable responsibility for the theft of those vehicles or knowledge of the

fact that those vehicles were thieved vehicles. At any rate, the petitioner, who was remained in custody from 17.9.07 and is not involved in any other crime other than these two crimes, may now be enlarged on regular bail. The mere fact that the first accused has a questionable past of crimes, may not oblige the petitioner who has remained in custody from 17.9.07 to continue in such custody, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. Notwithstanding the opposition of the learned Public Prosecutor, I am satisfied that in the facts and circumstances of the case, the petitioner can be granted regular bail in these three crimes subject to appropriate conditions which shall ensure the interest of a fair, efficient and expeditious investigation and also allay the apprehension aired by the petitioner.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioner shall execute a bond for Rs.75,000/- (Rupees seventy five thousand only) in each case with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 5 p.m and 6 p.m. on all Mondays and Fridays, for a period of three months from the date of his release and thereafter as and when directed by the investigating officer in writing to do so.

iii) The petitioner shall not leave the jurisdiction of Mavelikara Police Station during the said period of three months without prior permission of the learned Magistrate.

(R.BASANT, JUDGE)

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